

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:98-cr-246**

STEPHEN D. CARR,)
)
 Petitioner,)
)
 v.)
)
 UNITED STATES OF AMERICA)
)
 Respondent.)
 _____)

ORDER

**Order Denying Petitioner's Motion Pursuant to
Federal Rule of Criminal Procedure 36**

On November 4, 2011 Steven D. Carr ("Carr") filed a "Motion Pursuant Fed. R. Crim. P. 36" (Document #130). Carr's motion is DENIED because the relief sought goes beyond the scope of Rule 36. To the extent Carr's motion sounds in habeas, the proper avenue for such a motion would be to file a post-judgment motion. It appears, however, such a motion would be untimely because it is past the expiration date and made without permission of the 4th Circuit. Moreover, in a letter to Carr dated July 12, 2010, United States probation officer Robert T. Ferguson explained in detail why Carr qualified as a career offender under the United States Sentencing Guidelines.

IT IS HEREBY ORDERED that Carr's motion pursuant to Federal Rule of Criminal Procedure 36 (Document #130) is **DENIED**.

Signed: January 4, 2011



Richard L. Voorhees
United States District Judge

